

IDAHO PERSONNEL COMMISSION  
P.O. Box 83720  
Boise, Idaho 83720-0066  
Phone: (208) 334-3345

**IDAHO PERSONNEL COMMISSION**

**STATE OF IDAHO**

	)	
	)	
RAMONA SLOVER,	)	
	)	
Appellant,	)	
	)	IPC NO. 98-10
	)	
vs.	)	
	)	DECISION AND ORDER
DEPARTMENT OF CORRECTION,	)	DISMISSING PETITION FOR
	)	REVIEW
Respondent.	)	
_____	)	

The Idaho Personnel Commission enters this order dismissing the petition for review of Ramona Slover. The Commission bases its order on the following:

1. On October 5, 1998, the Idaho Personnel Commission received a timely petition for review from Petitioner Ramona Slover in the above-entitled matter.
2. On October 6, 1998, Val Rodriguez, Administrative Secretary to the Director, contacted Roger L. Williams of Sandpoint, counsel for Petitioner Slover. Ms. Rodriguez advised Mr. Williams of the necessity of Petitioner ordering a transcript of the hearing for use in the appeal. Ms. Rodriguez also informed Mr. Williams that the matter would not be scheduled for briefing and argument until the transcript had been received.

3. Ms. Rodriguez contacted Mr. Williams by phone again on October 9 and October 28. She spoke with Mr. Williams on October 28, at which time Mr. Williams expressed his view that his client might withdraw the appeal because of the cost of preparing a transcript.

4. Ms. Rodriguez attempted to contact Mr. Williams again on November 6, and left a message requesting a return call. No return call was received.

5. On January 6, 1999, Richard J. Hutchison, Director and Secretary to the Commission, sent a letter to Mr. Williams advising that he would ask the Commission to dismiss the petition if a transcript was not received by January 29. The Commission received no response to this letter, nor did it receive a transcript.

6. This Commission has authority to dismiss Slover's petition *sua sponte* for Petitioner's failure to comply with the provisions of Idaho Code § 67-5317 and IDAPA 28.01.01.202.04.

Based upon the foregoing, IT IS HEREBY ORDERED, that the petition for review filed by Ramona Slover on October 5, 1998, is dismissed for petitioner's failure to comply with IDAPA 28.01.01.202 and failure to prosecute the petition with due diligence.

DATED this 16th day of February, 1999.

BY ORDER OF THE  
IDAHO PERSONNEL COMMISSION

/s/  
Sherry Dyer, Chair

/s/  
Peter Boyd

/s/  
Ken Wieneke

/s/  
Don Miller

### **STATEMENT OF APPEAL RIGHTS**

Either party may appeal this decision to the District Court. A notice of appeal must be filed in the District Court within forty-two (42) days of the filing of this decision. I.C. § 67-5317(3). The District Court has the power to affirm, or set aside and remand the matter to the Commission upon the following grounds, and shall not set the same aside on any other grounds:

- (1) That the findings of fact are not based on any substantial, competent evidence;
- (2) That the commission has acted without jurisdiction or in excess of its powers;
- (3) That the findings of fact by the commission do not as a matter of law support the decision.

I.C. § 67-5318

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the appeal and Certificate of Referral in the above-entitled matter has been served upon the following parties on this 16th day of February, 1999, by the method specified, to wit:

FIRST CLASS MAIL

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Ramona Slover  
625 Lake Street  
Sandpoint ID 83864

Roger Williams  
Attorney at Law  
301 1/2 North First Avenue #211  
Sandpoint ID 83864

STATEHOUSE MAIL

Timothy McNeese  
Deputy Attorney General  
Department of Correction  
Statehouse Mail

/s/  
\_\_\_\_\_  
Secretary to Executive Secretary